

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GARY ECKERT,**  
**Plaintiff,**

**v.**

**POTTSTOWN POLICE  
DEPARTMENT, et al.,  
Defendants.**

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**CIVIL ACTION NO. 22-CV-3653**

**ORDER**

AND NOW, this 16th day of September, 2022, upon consideration of Gary Eckert's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to correct the caption of this case to read "Eckert v. Pottstown Police Department, *et al.*"
2. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
3. Gary Eckert, #067807, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Montgomery County Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Eckert's inmate account; or (b) the average monthly balance in Eckert's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Eckert's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income

credited to Eckert's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Montgomery County Correctional Facility.

5. The Complaint is **DEEMED** filed.

6. Eckert's Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** as follows:

a. Eckert's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

b. Eckert's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

7. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**

/s/ Juan R. Sánchez  
**JUAN R. SÁNCHEZ, C.J.**